

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICIA M. RICKER,

Defendant.

CR-03-112-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 4, 2021. (Doc. 114.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 2, 2021. (Doc. 109.) The United States accused Ricker of violating her conditions of supervised release 1) by consuming alcohol on three separate occasions; and 2) by committing another crime. (Doc. 108.)

At the revocation hearing, Ricker admitted that she had violated the conditions of her supervised release 1) by consuming alcohol three separate

occasions. Ricker did not admit or deny alleged violation 1. The government satisfied its burden of proof with respect to alleged violation 1. (Doc. 109.) Judge Johnston found that the violations Ricker admitted proved to be serious and warranted revocation, and recommended that Ricker receive a custodial sentence of 3 months, with 38 months of supervised release to follow. He recommended Ricker should serve the first 180 days of supervised release in a drug and alcohol treatment center. (Doc. 114.) The violations prove serious and warrant revocation of Ricker's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 114) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Patricia M. Ricker be sentenced to the custody of the United States Bureau of Prisons for 3 months, with 38 months of supervised release to follow. Ricker will serve the first 180 days of supervised release in a drug and alcohol treatment center.

DATED this 19th day of February, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court